



# COMMONWEALTH of VIRGINIA

## CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

W. Tayloe Murphy, Jr.  
Secretary of Natural Resources

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April 3, 2002

Mr. Jody Hollingsworth  
500 City Hall Avenue Poquoson  
Virginia 23662-1996

### Re: Pond on Brown's Neck Road

Dear Mr. Hollingsworth:

It has been brought to our attention by City staff that Mr. Jimmy Moore is applying for a permit to fill a 5-acre pond along Brown's Neck Road in Poquoson. It is our understanding that part of the pond lies within the 100-foot buffer portion of the Resource Protection Area (RPA). Section 9VAC 10-20-130 of the Chesapeake Bay Preservation Area Designation and Management Regulations (the Regulations) permits very few types of land-disturbing activities within the RPA. These include construction of a water-dependent facility, redevelopment activities, and additions to non-conforming structures. All other land-disturbing activities within the buffer are prohibited. Therefore, the placement of fill within any RPA is not permitted by right and requires an exception from the Poquoson Board of Zoning Appeals. In no way is this property grandfathered from the full 100-foot buffer provisions of the Regulations. Any proposed development or land disturbing activity within the RPA will require an exception. Due to the amount of buildable area located outside the RPA on the property, the Department would not support the granting of an exception that would allow any activity to occur within the buffer.

I hope this letter provides some clarification of the issues. If you have additional questions or concerns, please feel free to contact me at (800) 243-7229

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas G. Wetmore".

Douglas G. Wetmore  
Principal Environmental Planner

Cc: Shawn Smith, CBLAD